

REMARKS

Claims 1, 4, 6-7, 9-16, 18-23, 25-27, 30-36, and 44-60 are pending.

Reconsideration and withdrawal of all rejections is respectfully requested in view of the above-provided amendments and the following remarks.

AMENDMENTS TO THE CLAIMS

The status indicators of the claims recited above by the Listing of Claims are made relative to the Amendment and Response filed on October 6, 2008, and assume entry of that previous amendment. New claims 59 and 60 are copied from previously cancelled claims 28 and 29.

No new matter is added.

**THE NEWLY ADDED CLAIMS ARE ENABLED
UNDER 35 USC 112, FIRST PARAGRAPH**

At page 6 of the Office Action mailed on June 6, 2008, claims 28 and 29 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly not enabled. The Examiner has required a Deposit Declaration to confirm ongoing availability of the cells recited by these claims. Claims 28 and 29 were cancelled by the Amendment and Response submitted on October 6th, without prejudice to further prosecution of the subject matter of these claims. A Deposit Declaration is now available, and enclosed herewith.

The Deposit Declaration confirms that the subject biological materials, identified by ascension numbers IHEM 20069, 20070, 20071 and 20072, respectively, were deposited at the Belgian Coordinated Collections of Microorganisms (BCCM) under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, and that the materials will be made available as stated by paragraph 6 of the Declaration.

The Deposit Declaration is executed by Ingrid Dheur, a co-inventor of the instant patent application, who is also an official of Eurogentec S.A., the company making the deposit. A copy of the assignment document executed by the co-inventors and confirming that Eurogentec S.A. is an owner of the subject patent application is also enclosed. It is urged that the enclosed Deposit Declaration satisfies the requirement of

35 U.S.C. § 112, first paragraph, and thus obviates this ground of rejection.

For all of the foregoing reasons, it is respectfully submitted that the grounds of rejection of cancelled claims 28 and 29 is obviated, and thus not applicable to new claims 59 and 60.

CONCLUSION


At page 10 of the Office Action, the Examiner notes that claim 1 is allowable. It is respectfully urged that amended claim 1 and new claim 46 remain allowable, and that the claims depending therefrom are also respectfully urged to be in condition for allowance for all of the reasons given in the Amendment and Response submitted on October 6, 2008, and early action to that end is respectfully requested.

This Supplemental Amendment is believed to be timely submitted. However, in the event that it is determined that any extension of time is required, the Commissioner is authorized to treat this paper as the required Petition For Extension Of Time, and to charge any required fee to Deposit Account No. 02-2275.

For all of the reasons given in the Amendment and Response submitted on October 6, 2008, it is not believed that any additional claim fee is due for entry of the present amendment. Nevertheless, if any other fee is determined to be required for entry of this paper, that fee may also be charged to the above-mentioned Deposit Account.

Respectfully submitted,

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